

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

OLEN WARNER,

Defendant.

**4:24CR3029**

**ORDER**

The Court held a hearing by video conference with the parties, including the Defendant, on July 18, 2024, regarding Defendant's Motion to Continue [58]. Based upon the showing set forth in the Motion, and the comments of counsel and Defendant during the hearing, the Court finds good cause has been shown and that the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) Defendant's motion to continue, (Filing No. 58), is granted.
- 2) Pretrial motions and briefs shall be filed on or before August 2, 2024.
- 3) The conference call previously scheduled to be held on July 19, 2024, is continued. A telephonic conference with counsel will be held before the undersigned magistrate judge at 9:45 a.m. on August 9, 2024 to discuss setting any change of plea hearing or the date of the jury trial. Counsel for the parties shall use the conferencing instructions provided by the court to participate in the call.
- 4) At Defendant's request and with no objection from the government, in accordance with 18 U.S.C. § 3161(h)(7)(A), the court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendants in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between today's date and on August 9, 2024, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act. Failure to grant a continuance would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(A) & (B)(iv). Failing to timely object to this order as provided under this court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

Dated this 18<sup>th</sup> day of July, 2024.

BY THE COURT:

s/ Jacqueline M. DeLuca  
United States Magistrate Judge